

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CENK UYGUR and JOHN WARD,

Plaintiffs,

v.

SOUTH CAROLINA; HENRY MCMASTER, in his official capacity as Governor of South Carolina; ALAN WILSON, in his official capacity as Attorney General of South Carolina; MARK HAMMOND, in his capacity as Secretary of State of South Carolina; SOUTH CAROLINA DEMOCRATIC PARTY; SOUTH CAROLINA STATE ELECTION COMMISSION, JOHN WELLS, and HOWARD M. KNAPP, in their official capacities as Chairman and Executive Director, respectively, of the South Carolina State Election Commission,

Defendants.

Civil Action No.: 3:23-cv-6879-JFA

**GOVERNOR MCMASTER'S
RESPONSE TO MOTION TO EXPEDITE
AND MOTION TO CONSOLIDATE**

Henry McMaster, in his official capacity as Governor of South Carolina, responds to Plaintiffs' Motion to Expedite (ECF No. 19) and Motion to Consolidate (ECF No. 20).

With respect to the Motion to Expedite, the Governor does not oppose the proposed briefing schedule, and he intends to respond to the Complaint (ECF No. 1) and the Motion for Declaratory and Emergency Injunctive Relief (ECF No. 2) on or before Friday, January 5, 2024. The Governor requests that the Court *not* schedule a hearing on January 11 or 12, 2024, as his counsel will be out of state for meetings those two days.

With respect to the Motion to Consolidate, the Governor opposes consolidating a hearing under Rule 65 with a merits trial because the Governor has jurisdictional defenses here that, if the Court agrees with, would protect the Governor from having to go to trial in this case. *See Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 482 (4th Cir. 2005) ("the

entitlement conferred by the Eleventh Amendment is an *immunity from suit* rather than a mere defense to liability; and it is effectively lost if a case is erroneously permitted to go to trial” (cleaned up)). In the event that the Court plans to schedule a hearing on Governor McMaster’s forthcoming Motion to Dismiss prior to ruling on that motion, the Governor does not oppose the Court consolidating any such hearing with a hearing on Plaintiffs’ Motion for Declaratory and Emergency Injunctive Relief.

Respectfully submitted,

s/Wm. Grayson Lambert

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January 2, 2024

Columbia, South Carolina